

ALEJANDRO RIVAS

SF

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

-----X
EDMIN ALICEA,

Plaintiff,

-against-

13 CV 7073 (JGK)

THE CITY OF NEW YORK, POLICE OFFICER ALEJANDRO
RIVAS (TAX 925987), DETECTIVE RICHARD BABOOLAL
(TAX 924906), AND POLICE SERGEANT FREDY CRUZ (TAX
915528),

Defendants.
-----X

26 Court Street
Brooklyn, New York

August 19, 2014
10:17 a.m.

EXAMINATION BEFORE TRIAL of ALEJANDRO
RIVAS, a Defendant in the above-entitled action,
taken by the Plaintiff, held at the
above-mentioned time and place, pursuant to
Notice, taken before Julia C. Fernandez, a Notary
Public of the State of New York.

ALEJANDRO RIVAS

Page 90

1 RIVAS

2 A Where you have the mark in there and
3 then he was coming west, he crossed the street, we
4 got out, and we apprehended him right there.

5 Q Where?

6 A (Indicating).

7 Q Did you observe any other NYPD vehicles
8 in the vicinity at that time?

9 A No.

10 Q Do you know if Officer Baboolal was in a
11 vehicle that day?

12 A No.

13 Q Did Mr. Alicea do anything that you
14 observed that gave rise to reasonable cause for
15 you to believe that he had committed a crime?

16 MR. FARRAR: Objection.

17 A He placed a small green object into his
18 mouth as soon as he knew we were right behind him,
19 we were very close to him. I kept on walking, as
20 I asked him to turn around so he would notice that
21 it was the police, he placed it in his mouth.

22 Q What did you say to him?

23 A Nothing, I just saw him place it in his
24 mouth. In my experience and the odor emanating
25 where he was at and the characteristics of the bag

ALEJANDRO RIVAS

Page 91

RIVAS

that he put in his mouth, it was marijuana.

Q How much marijuana would you say it was?

A I don't know, I can't tell you that.

Q Did anyone say anything to Mr. Alicea?

A No.

Q Did you hear Officer Arico say anything to Mr. Alicea?

A No.

Q Did you hear Officer McGrath say anything to Mr. Alicea?

A No.

Q What side of the street was Mr. Alicea on when you first observed him?

A The north, going west on the north side of 172.

Q Who made the decision to stop the vehicle at the location on Broadway between 172 and 173?

A Whoever was the operator, we just parked there.

Q Who got out of the vehicle first?

A I don't remember.

Q Did you have any physical contact with Mr. Alicea?

ALEJANDRO RIVAS

Page 92

RIVAS

A We placed him under arrest, we told him to put his hands behind his back.

Q Were you the only person that had physical contact with Mr. Alicea at the scene of the arrest?

A I believe the other officers too but I don't remember who did what.

Q Who first had physical contact with Mr. Alicea?

A Who saw him first?

Q You were with Officer McGrath and Officer Arico?

A Yes.

Q Out of the three of you who first made contact with Mr. Alicea?

A I believe it was me, I was the one who observed it. I don't know what they observed but I observed it and we placed him under arrest.

Q What was the first physical contact that you had with Mr. Alicea?

A I told him to put his hands behind his back and placed him under arrest, that was it.

Q Which part of your body first made contact with Mr. Alicea?

ALEJANDRO RIVAS

Page 99

RIVAS

1

2

A No.

3

Q At that precinct?

4

A No.

5

Q Did you observe Mr. Alicea's hands and wrists at any time after you had handcuffed him?

7

A I don't remember but he was not

8

complaining.

9

Q After you handcuffed Mr. Alicea what was your destination?

10

MR. FARRAR: Objection.

11

12

A The 33rd Precinct.

13

Q Did you make any stops along the way?

14

A No.

15

Q You headed straight from the scene of the arrest to the 33rd Precinct?

16

17

A Yes.

18

Q Did you pick up anyone else on the way?

19

A No.

20

Q After you arrived at the precinct what was the first thing you did?

21

22

A We placed him in the cells area.

23

Q How long after arriving at the precinct did you place Mr. Alicea in the cell?

24

25

A A couple of minutes after we do the

ALEJANDRO RIVAS

Page 100

1 RIVAS

2 pedigree.

3 Q What's that?

4 A His name, address, belongings, whatever.

5 Q Do you take a picture of him at that
6 point?

7 A No.

8 Q When does his picture get taken?

9 A After the online is done, fingerprints.

10 Q So his picture is taken when you're
11 doing the fingerprints?

12 A Yes.

13 Q Who does that?

14 A Anybody could do it.

15 Q Did you recover any illegal substance or
16 item from Mr. Alicea during the course of this
17 arrest?

18 A No.

19 Q At any point did you recover anything
20 illegal from him?

21 A No.

22 Q Did you try to take Mr. Alicea to the
23 hospital at any point while he was in custody?

24 A No, he never complained to me that he
25 wanted to go to the hospital.